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19 April 2004

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Clerk  
Arizona Corporation Commission  
1200 West Washington  
Phoenix, AZ 85007-2996

2004 APR 21 A 11: 37

AZ CORP COMMISSION  
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Re: Ash Fork Water - W01004B-03-0722

Enclosed please find one (1) original and thirteen (13) conformed copies of an Intervenor originated document captioned:

EXCEPTIONS/OBJECTIONS TO PROCEDURAL ORDER DATED 14 APR 2004  
INCLUDING  
MOTION FOR RELIEF

Please enter for the record.

Earl M. Hasbrouck, Intervenor  
P. O. Box 1034  
Ash Fork, AZ 86320-1934  
928/637-0302

Arizona Corporation Commission

DOCKETED

APR 21 2004

DOCKETED BY	
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ORIGINAL

BEFORE THE ARIZONA CORPORATION COMMISSION  
(Utilities Division)  
1200 West Washington  
Phoenix, Arizona 85007

In re: THE APPLICATION OF ASH FORK  
DEVELOPMENT ASSOCIATION, INC.  
d/b/a ASH FORK WATER SERVICE  
FOR A RATE INCREASE.

DOCKET NO. W-01004B-03-0722

Arizona Corporation Commission

DOCKETED

APR 21 2004

EXCEPTIONS/OBJECTIONS  
TO  
PROCEDURAL ORDER DATED 14 APRIL 2004  
including  
MOTION FOR RELIEF

DOCKETED BY

COMES NOW EARL M. HASBROUCK, pro se, in response to ARIZONA CORPORATION COMMISSION

PROCEDURAL ORDER S/CHIEF ADMINISTRATIVE LAW JUDGE LYN FARMER, DATED 14 APR 2004 and respectfully  
shows the Commission the following exceptions/objections:

1. that the Honorable Ms. Farmer's ruling is ambiguously skewed to prejudicially provide damage control for the regulatory authority at the expense of the third-party applicant intervenor whose formal entry into the proceeding was intentionally delayed for four months via Commission impropriety, partiality, bias and discrimination until nine days before the 23 Apr 2004 hearing scheduled for Docket No. W-01004B-03-0722, the result of which is insufficient time in which to conduct any form of discovery.
2. that the Honorable Ms. Farmer's ruling is further ambiguous and skewed in that on the one hand she decrees that *[A] presiding officer has authority to conduct proceedings in such a manner as to maintain orderly discovery and presentation of evidence,*<sup>1</sup> yet on the other hand she refuses to deal with the fact that that same 'presiding officer' deliberately interfered with and delayed the discovery process in this action before the Commission by improperly imposing farcical limitations on third-party involvement.
3. that the Honorable Ms. Farmer's ruling is further ambiguous and skewed in that on the one hand she decrees that *[A]s a party to an administrative hearing, an intervenor has the obligation to follow the (various) Rules of Practice and Procedure and ... requirements ... in Procedural Orders issued by the Commission,*<sup>2</sup> yet on the other hand she (1) fails to reveal that intervention status in this case was bureaucratically manipulated so as to not be formally granted until the time of the recorded issuance of her ruling on 14 Apr 2004; and (2), she further fails to show any failure of any nature whatsoever on the part of any third party regarding non-compliance with the 'rules' as she insinuates; plus (3), Ms. Farmer blatantly ignores the Commission's own calculated syndicalism intended to achieve the desired end

<sup>1</sup> Procedural Order s/Lyn Farmer dtd 14 Apr 2004 at pg. 3, line 6

<sup>2</sup> Procedural Order s/Lyn Farmer dtd 14 Apr 2004 at pg. 3, line 7 - 10

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result the regulatory authority wants in this case by circumventing or manipulating legal due process.

4. that the Honorable Ms. Farmer's ruling is further ambiguous and discriminatorily skewed in that she states<sup>3</sup> that she has examined the record of all three cases and found no evidence of personal bias, yet on the other hand she presumptuously ignores myriad recorded incidences of noticed impropriety involved in the adjudication of ACC Docket # W01004B-0201768, #W01004B-03-0150 and #W01004B-03-0722 involving Ash Fork Water which remain syndicalistically uninvestigated by either the Commission or third party law enforcement after complaint properly made in the pleadings.

**WHEREFORE, I:**

- A. it being indisputable that the root cause of this entire three-part litigation was the deliberate refusal by Ash Fork Development Association, Inc. d/b/a Ash Fork Water to disclose information and documents required by law to be revealed as matters of public nature; and
- B. it being indisputable that the now Intervenor's sole interest in originally entering the Ash Fork Water actions was to protect his real property from non-consensual liens, to guard against impropriety in any form by Ash Fork Water's questionable business transactions and to ascertain that the utility cooperative would not be permitted to engage in future reckless spending intended to be paid for at a later date by questionable rate increase assessment schemes the consumer public would ultimately be forced to pay for; and
- C. it being indisputable that a large portion of the Ash Fork Water litigation which followed the utility's deliberate refusal to disclose information involved plans, drawings and technical specifications for the intended Ash Fork Water infrastructure improvement project, documents the regulatory authority corruptly aided in concealing via claiming of no knowledge of the data; and
- D. it is indisputably clear that the now Intervenor is not now nor has he ever been opposed to a legitimate, honest, small, reasonable permanent rate increase for Ash Fork Water as long as such an increase is not intended to exploit residential consumers in order to benefit commercial developers and speculators and is proportionately distributed equitably amongst all water consumers without discrimination for the sole purpose of amortizing the utility's long-term debt; and
- E. it is indisputably clear that a convicted criminal was at the helm of Ash Fork Water during at least a portion of the time involved in this dispute and that a number of questions remain unanswered as to payroll discrepancies and other bookkeeping errata from that period of time; and
- F. it being indisputable that the regulatory authority got caught red-handed early-on with documents in it's corrupt possession it previously claimed no knowledge of; and

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<sup>3</sup> Procedural Order s/Lyn Farmer dtd 14 Apr 2004 at pg. 3, line 13- 14

- G. it being indisputable that certain Intervenor pleadings dealing with investigation of bureaucratic corruption involving the regulatory authority getting caught with documents in it's possession it claimed no knowledge of were intentionally disappeared from Docket No. W01004B-02-0768 and from that time forward through Docket No. W01004B-03-0510 and Docket No. W01004B-03-0722, the Intervenor has been forced to endure the added cost of mailing documents *Certified U.S.P.S., Return Receipt Requested*; and
- H. It being indisputably clear that certain documents sent regular mail addressed to the Docketing Clerk of the Arizona Corporation Commission were wrongfully intercepted and ended up in the possession of the presiding judge, then were subsequently arbitrarily misused in a biased and discriminatory manner in ruling against the Intervenor in Docket No. W01004B-03-0510; and
- I. it is indisputably clear that considerable apparent hanky-panky or other more serious impropriety has occurred during the adjudication of the three-part bifurcated Ash Fork Water matters, impropriety the regulatory authority has shown no inclination to investigate; and
- J. it being indisputable that an attorney portrayed as a citizen's advocate in rate cases before the Commission who was supposedly on the staff of the Residential Utility Consumer Office turned out to actually be an employee of the Utilities Division of the Arizona Corporation Commission, a dire conflict of interest; and
- K. it is indisputably clear that the Arizona Corporation Commission deliberately corrupted the discovery process in Docket No. W01004B-03-0722 based on objections by Ash Fork Water to which the utility was not entitled, objections which were contrary to previous judicial orders and thus constituted interference with the discovery process; and
- L. it being indisputably clear that the Arizona Corporation Commission has deliberately corrupted the discovery process in Docket No. W01004B-03-0722 of it's own volition with intent to impede, delay, postpone, vex or otherwise interfere with lawful third party entry into the case; and
- M. it being further indisputable that from the date and time an applicant's entry into an action before the Commission is formally noticed (in this case 14 April 2004) so as to afford all the rights, duties and responsibilities of an intervening (or any other) party, said party is entitled to adequate due process time in which to perform discovery; and
- N. it being further indisputable that the Honorable Ms. Farmer's basis for her rulings in the disputed 14 Apr 2004 Procedural Order contains numerous errors and omissions based on inadequate research; and
- O. it being further indisputable that this water rate case before the Commission has a number of disturbing parallels to the *Qwest Communications* active docket concurrently before Judge Rodda in that secret, sweetheart deals which ultimately led to questionable financial transactions, insider trading, non-disclosure and law breaking or other impropriety are similarly involved, the

only difference being that Qwest is not being provided protection via bureaucratic syndicalism as is Ash Fork Water.

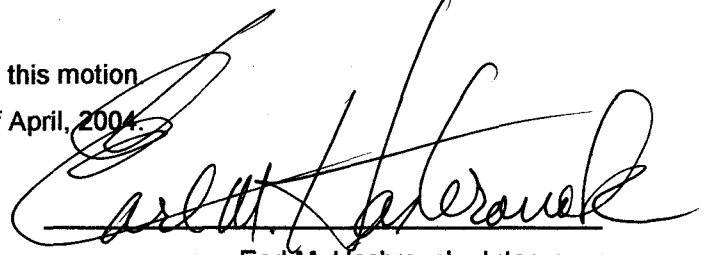
**WHEREFORE, II:**

- A. this rate increase case having already been ascertained in the view of the Intervenor to be a predetermined farce which the Arizona Corporation Commission has no alternative but to approve because of the regulatory authority's own syndicalistic involvement; and
- B. considerable dialogue in the pleadings having already been dedicated to the now Intervenor's desire to see a means and method provided by which the consumer public can recapture from commercial special interests construction costs not for the benefit of residential consumers; and
- C. the now Intervenor being vehemently opposed to any form of intended rate surcharge or other manipulation of the regulatory process beyond this bifurcated Ash Fork Water action whereby the consumer public can suffer future financial harm via monetary schemes now concealed or otherwise intended to be implemented via any method or means at a later date; and
- D. formal Intervenor party status in this action not granted by the Commission until 14 April 2004.

**WHEREFORE, FINALLY,** premises herein considered, Intervenor prays **FOR THE COMMISSION:**

- 1. to determine that improper judicial interference intended to deny due process by delaying third-party entry into a case constitutes sufficient grounds for removal of the presiding jurist; and
- 2. to set aside the Honorable Judge Farmer's April 14<sup>th</sup> ruling and remove for cause the current presiding jurist from Docket No. W01004B-03-0722.
- 3. to provide Intervenor adequate time from 14 Apr 2004 for due process discovery in this case.
- 4. to adjust the hearing date accordingly.
- 5. to provide an immediate, emergency ruling on this motion.

**INTERVENOR SO MOVES** on this, the 19<sup>th</sup> day of April, 2004.



Earl M. Hasbrouck, Intervenor  
P. O. Box 1034  
Ash Fork, AZ 86320-1034  
928/637-0302

\* \* \*  
**CERTIFICATE OF SERVICE**  
Pursuant to R-14-3-107 A.C.C.)

I, Earl M. Hasbrouck, by my signature above, do hereby certify that on the date herein recited, I have served the foregoing document on the parties of record by placing the required number of copies into the United States mail, First Class Postage prepaid, addressed to:

Arizona Corporation Commission  
1200 West Washington  
Phoenix, AZ 85007-2996  
(Original and thirteen)

Lewis Hume, Manager  
Ash Fork Development Ass'n d/b/a Ash Fork Water  
P. O. Box 436  
Ash Fork, AZ 86320-0436  
(Conformed copy)